

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
v. ) CRIMINAL NO. 04-10165-RCL  
TONY GOMES TEIXEIRA )

**GOVERNMENT'S RESPONSE TO SURETY'S  
MOTION TO RELEASE MORTGAGE AND POST BOND**

The government responds to the motion of surety Pedro Teixeira to release mortgage and post bond as follows:

**Procedural History**

1. Pedro Teixeira is the father of defendant Tony Gomes Teixeira. Defendant Teixeira was charged in this case with being a felon-in-possession of a firearm, in violation of 18 U.S.C. §922(g)(1).

2. Defendant Teixeira was originally detained in this case, [D. 13, 6/23/04], but was released on conditions on May 9, 2005. [D. 5/09/06, 50]. The conditions of release, imposed by United States Magistrate Judge Marianne B. Bowler, included the posting of surety Pedro Teixeira's family home to secure a \$60,000 appearance bond. [D. 48-50].

3. On October 25, 2006, after an earlier jury trial and conviction, defendant Teixeira was sentenced to serve 110-months in prison. At that time he was continued on release under the same conditions and ordered to self-surrender at the correctional facility designated by the Bureau of Prisons by 2:00 pm, December 29, 2006.

**Discussion**

The government has no objection to a change of security as long as defendant Teixeira's release until his surrender to the Bureau of Prisons is fully secured in the amount of \$60,000. Whether that security takes the form of a secured interest in Pedro Teixeira's home, or takes the form of \$60,000 in legitimate substitute cash is not a concern to the government. However, the government is concerned that there be no gap in security, and that substitute security be in place, in the amount of \$60,000, before any release of the current mortgage on Pedro Teixeira's home.

Accordingly, the government asks this Court to refer this issue to Magistrate Judge Bowler for proceedings to determine if substitute security can be put in place in order to permit the existing mortgage on Pedro Teixeira's home to be discharged prior to the surrender of defendant Teixeira on December 29, 2006.<sup>1</sup>

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Timothy Q. Feeley  
TIMOTHY Q. FEELEY  
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November 7, 2006

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<sup>1</sup>The government reserves the right, at any proceedings before Magistrate Judge Bowler, to request a hearing under United States v. Nebbia, 357 F.2d 303 (2d Cir. 1966) to ensure that any substitute cash would provide the same or equivalent disincentives to flight as the current secured interest in Pedro Teixeira's home.

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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon surety's counsel, David P. Mullin, Esq., Law Office of James F. McGrail, 31 Fremont Street, Needham, MA 02494, a copy of the foregoing document by first class mail, and upon defendant's counsel, Frank Camera, Esq., a copy of the foregoing by electronic filing notice.

/s/ Timothy Q. Feeley  
TIMOTHY Q. FEELEY  
Assistant U.S. Attorney

November 7, 2006